

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

NAPOLEON GRAY,	:	
	:	
Petitioner,	:	
	:	NO. 5:22-CV-00217-MTT-CHW
VS.	:	
	:	
STATE OF GEORGIA,	:	
	:	
Respondent.	:	
	:	

DISMISSAL ORDER

Pro se Petitioner Napoleon Gray filed a habeas corpus petition. ECF No. 1. On July 8, 2022, the Court ordered Petitioner to recast his petition and provided instructions regarding how to do so.¹ ECF No. 3. Petitioner was given fourteen (14) days to respond and was informed that failure to comply would result in dismissal of this action. *Id.* Petitioner failed to respond.

Therefore, on August 9, 2022, the Court notified Petitioner that it had not received a response and ordered him to show cause why his action should not be dismissed for failure to comply and diligently prosecute his claims. ECF No. 5. The Court unambiguously informed Petitioner that this action would be dismissed if he failed to respond. *Id.* Petitioner was given fourteen (14) days to answer. Petitioner has again failed to respond.

¹ Petitioner was also ordered to either file a motion to proceed *in forma pauperis* for non-prisoners or pay the filing fee. ECF No. 3. Petitioner has filed a motion to proceed *in forma pauperis*. ECF No. 4.

Because Petitioner has failed to comply with the Court's orders or otherwise prosecute this case, his complaint is **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v. Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) ("The court may dismiss an action *sua sponte* under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 30th day of August, 2022.

S/ Marc T. Treadwell

MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT